

IFW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Confirmation No.: 5309

WAHLROOS et al.

Atty. Docket No. 108306-00024

Application No. 10/787,393

Examiner: Worley, Cathy K.

Filed: February 27, 2004

Art Unit: 1638

For: METHODS AND CONSTRUCTS FOR INCREASING THE CONTENT OF
SELECTED AMINO ACIDS IN SEEDS

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop AMENDMENT

August 9, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is filed in response to the Restriction Requirement dated July 11, 2006, in connection with the above-identified patent application.

The Restriction Requirement asserted that the claims define five (5) independent and distinct inventions and required the Applicant to elect one of the following five inventions:

Group I: Claims 12, 13, 17, and 22, drawn to a method for increasing the content of one or more selected amino acids in a selected tissue or organ of a plant, wherein the selected tissue or organ is a cell wall of a cell membrane;

Group II: Claims 13 and 16, drawn to a method for increasing the content of one or more selected amino acids in a selected tissue or organ of a plant, wherein the selected tissue or organ is an oil body;

- Group III: Claims 26-42 and 45-41, drawn to a recombinant nucleotide sequence construct for increasing the content of one or more selected amino acids in a selected tissue or organ of a plant;
- Group IV: Claims 43-44, drawn to a method of producing a composition comprising in plant material an amino acid-enriched carrier protein having a polyamino acid extension; and
- Group V: Claim 52, drawn to a composition comprising in plant material an amino acid-enriched carrier protein having a polyamino extension.

As noted on page 7 of the Restriction Requirement, "Claims 1-11, 14, 18-21, and 23-25 link the inventions of group I and II." Applicants thank the Examiner for indicating that "Upon the allowance of the linking claims, the restriction requirement as to the linked inventions [i.e., Groups I and II] shall be withdrawn and any claims depending from or otherwise including all the limitations of the allowable linking claims will be entitled to examination in the instant application" (Restriction Requirement, page 7, first full paragraph).

Applicant hereby provisionally elects Group II, claims 13 and 16, "drawn to a method for increasing the content of one or more selected amino acids in a selected tissue or organ of a plant, wherein the selected tissue or organ is an oil body" (Restriction Requirement, page 2), with traverse. Applicant reserves the right to file one or more divisional applications directed to the non-elected claims.

In particular, Applicants respectfully submit that it would not constitute an undue burden to examine Groups I and II together. As noted by the second full paragraph on page 4 of the Restriction Requirement, "[a] search for the methods of

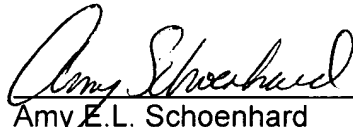
invention I-II will require searching the literature for methods of increasing amino acid content." Meanwhile, the second full paragraph on page 5 discloses that "[a] search for the methods of group I-II will require searching the literature for methods of increasing amino acid content of selected plant tissues."

In view of the Applicants' above election, Applicants respectfully submit that the Restriction Requirement has been satisfied. Accordingly, Applicants respectfully request examination of the pending claims on the merits.

It is believed that an extension of time is not required. However, in the event that extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefore are hereby authorized to be charged to our Deposit Account No. 01-2300, referencing Attorney Docket Number 108306-00024.

Please charge any fee deficiency or credit any overpayment with respect to this paper to Deposit Account Number 01-2300, referencing Attorney Docket Number 108306-00024.

Respectfully submitted,


Amy E.L. Schoenhard
Registration No. 46,512

Customer No. 004372
ARENT FOX PLLC
1050 Connecticut Avenue, N.W., Suite 400
Washington, D.C. 20036-5339
Tel: (202) 857-6000
Fax: (202) 857-6395